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PATENT

Attorney Docket No. BA-32448(1)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BAKER et al.  
Serial No. : 10/817,058  
Filing Date : April 2, 2004  
For : Method of Treating Cardiac Ischemia by Using Erythropoietin  
Group Art Unit: 1653  
Examiner : MAYER, Suzanne Marie  
Confirmation No.: 2664

## CERTIFICATION UNDER 37 CFR 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being transmitted to Fax No. 703-872-9306 addressed to Examiner MAYER at the US Patent and Trademark Office.

Date: 3-3-5

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE

Sir:

Applicant requests consideration of the pending claims in the above-identified patent application based on the remarks herein.

Amendments to the Claims are reflected in the listing of the claims, which begins on page 2 of this paper.

Remarks begin on page 9 of this paper.

Appendix with Declaration under 37 CFR § 1.131, begins at page 13 of this paper.